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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,634	01/26/2001	Helmut Jorke	3926.018	2938
7590	08/20/2002		EXAMINER	
Stephen A Pendorf Pendorf & Cutliff PO Box 20445 Tampa, FL 33622-0445			ESPLIN, DAVID B	
		ART UNIT	PAPER NUMBER	
		2851		
		DATE MAILED: 08/20/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/744,634	JORKE, HELMUT	
Examiner	Art Unit	
D. Ben Esplin	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 26 January 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-3 and 5-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 5-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,121,983 to Lee.

FIG. 3 of Lee shows a device for projecting a color image on a screen (screen M) that includes a projection lamp (light source member B), a beam splitter (beam splitter F-1) that separates the radiation spectrum emitted from the projection lamp into a first partial light bundle, directed towards the mirror G-1, and a second partial light bundle, directed toward the mirror G-2, two image modulators (LCD panels H-1 and H-2) for shaping the light bundles into images, a beam integrator (beam splitter F-2) for reuniting the first partial light bundle with the second partial light bundle, and a lens system (field lens I) for outputting the resulting color image. The beam splitter is shown with a splitter mirror, and the beam integrator is shown with an integrating mirror.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee as applied to claims 1 and 6-8 above, and further in view of U.S. Patent No. 5,537,476 to Coteus et al.

In Lee the beam splitter divides light based on polarization and not using small, non-overlapping sections of red, green, and blue light. Coteus discloses a stereoscopic projector in which light from two separate image sources contain different non-overlapping sections of red, green, and blue light are combined together and are displayed via a special pair of glasses containing a pair of filters so that light from one of the sources reaches the left eye and the light from the other source reaches the right eye (see FIG. 4 and col. 3 lines 40-52). In view of the teachings of Coteus it would have been obvious to divide and integrate the light in the stereoscopic projection system of Lee into small non-overlapping bands of red, green, and blue light, as an art recognized equivalent to dividing the light into two separate polarizations. This would inherently lead to dividing and integrating the light using well known dichroic filters in place of the polarizing beam splitters shown in Lee.

#### *Response to Arguments*

Applicant's arguments filed 22 July 2002, have been fully considered but they are not persuasive.

A camera and a projector, thought they may record and project images to and from the same media, are separate and distinct inventions with separate and distinct functions. A camera

captures an image, a process that involves inputting an image and processing it into a format in which it may be stored. A projector is a separate apparatus that converts stored and processed image information into an outputted image for viewing by a user. Thus, a camera and projector are two completely different apparatuses.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,412,949 to Halldorsson discloses a system for stereoscopic imaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*DBE*  
DBE  
August 14, 2002

*Russell Adams*  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
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